

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

JILL CARUSO, :

Plaintiff,

Case No. 3:11-cv-167

-vs-

Magistrate Judge Michael R. Merz

L & S REALTY, INC., et al., :

Defendants.

NOTICE TO THE PARTIES

This case is before the Court upon advice from Magistrate Judge Sharon Ovington, sitting as the mediator in this case, that mediation has reached an impasse and has been terminated (Minute Entry, June 26, 2012). The Court notes that no stay of proceedings was sought or granted pending mediation, but that several dates in the Scheduling Order have passed without the parties complying with those dates. In particular, neither party has filed lay or expert witness lists. Because discovery documents are no longer filed under Fed. R. Civ. P. 5, the Court cannot tell if any progress has been made in discovery.

The Scheduling Order provides for a discovery cut-off of September 3, 2012; a dispositive motion deadline of September 14, 2012; and a jury trial date of February 13, 2013. It is hereby ORDERED:

1. All witness lists required by the Scheduling Order but not yet filed shall be filed not later than July 2, 2012.

2. If the parties are in doubt as to their ability to meet the remaining deadlines in the case, counsel shall consult and propose a new schedule not later than July 2, 2012.

June 27, 2012.

s/ *Michael R. Merx*
United States Magistrate Judge